REMARKS

The applicant thanks the Examiner for his examination of the subject application thus far. The applicant submits that the claims, as amended, are patentable over the cited prior art for the following reasons:

***The claimed subject matter is not obvious in view of the cited prior art***

In the Final Action, all claims were rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt, Jr. et al. (US6778642) ("Schmidt, Jr.") in view of Gidwani (US6640239) and Hwang (US5781857)(. The applicant respectfully traverses this rejection for the reasons below:

*Schmidt, Jr. does not disclose the subject matter it is said to disclose:* In the Final Action, page 2, it is concluded that Schmidt, Jr., and in particular column 5, lines 26-37, discloses:

> ... a program product and method for execution on a communications device for receiving, storing,
>
> the communications device being capable of executing a plurality of message applications, each message application being associated with one of the communications channels and being executable to store and display messages received from the associated communications channel,
>
> the program product comprising a medium having executable program code embodied in said medium, the executable program code comprising a collating application

However, the cited passage of Schmidt, Jr. does not disclose any "communication device being capable of executing a plurality of message applications". Column 5, lines 26-29 of Schmidt, Jr. describe that:

> ... a user may use telephone 320 to dial into UMS server 340 via PSTN 360 to leave a voice mail for another user. In addition, a user may retrieve email messages or facsimile messages using the client 310.

As described in Schmidt, Jr., the client 310, shown in Figure 3, is used to access the UMS server 340; the user must moreover use a telephone 320 to dial into the UMS server 343. The UMS server 340 "receives all types of messages... and stores these messages for later retrieval by users" (Schmidt, Jr., column 5, lines 37-40). Indeed, the cited passage describes that the user "may access the messages stored on UMS server 340 using other devices also, such as cellular

(analog or digital) telephones, and other wireless devices" (column 5, lines 33-35). Thus, the cited passage of Schmidt, Jr. does not disclose "communication device being capable of executing a plurality of message applications" – rather, it discloses that a number of devices can each be used to access the UMS server, but it does not disclose that the UMS server, or any other device, is "capable of executing a plurality of message applications". Further, the "user interface 500" described at column 6, lines 13-14 of Schmidt, Jr. is not described as being presented on the UMS server itself.

*Gidwani does not disclose the subject matter it is said to disclose:* In the Final Action, page 3, it is concluded that Gidwani discloses "an interface with heterogeneous messages from different communications". While the interface depicted in Figure 16 of Gidwani may reference different types of messages ("V MAIL", "E MAIL", "FAX" as depicted in the drawing), Gidwani, however, does not disclose that heterogeneous messages are displayed in a "single view on the communications device", as recited in claims 1 and 10. The cited passage, column 49, lines 13-65, specifies that "the subscriber will be offered a series of messaging types and **after selecting one**, the subscriber would be able to select among the specific modes, such as e-mail, video-mail, voicemail" (lines 34-36). There is thus no "single view" of all heterogenous messages.

Moreover, Gidwani does not disclose the display of an "ordered listing of message fragments", as recited in claims 1 and 10. Column 49, lines 55-65 of Gidwani describes "a summary of the specific message such as 'Meeting of Friday', 'Need fax cover sheet', 'Need purchase order', 'Please return call,' as illustrated in FIG. 16 zone 914". However, Figure 16 of Gidwani does not disclose a message fragment, that is to say, a portion of the message content; the provenance of the summary is not disclosed, and indeed from Figure 16, there is no indication that these "summaries" are actually portions of the messages themselves, or whether these are summaries created after the fact by the user or another party. A conclusion that Gidwani discloses "message fragments" is therefore the result of the application of hindsight, given the Applicant's own disclosure. In any event, Gidwani does not disclose any "single view" of all heterogeneous messages.

*Hwang does not disclose the subject matter it is said to disclose:* In the Final Action, page 3, it is concluded that Hwang, column 4, lines 11-15 discloses "an email monitor response to a wireless

communications and further discloses dynamic email retrieval". This conclusion appears to be a rewording of a summary paragraph of Hwang, which in fact reads:

> The above described method provides a dynamic email retrieval system that may be monitored remotely by an email independent monitoring function that will notify the user upon the arrival of an email message.

A review of Hwang reveals that this so-called "dynamic email retrieval system" purports to be merely an "email monitor" that is used to "passively monitor email system 101-105 until an email message is received" (column 3, lines 33-34), at which point the system will "send a notification to the Wireless Internet Gateway 25", then "[originate] a connection (e.g. places a call) by sending a page to the user (column 3, lines 37-42). If the user is available and requests the email, then "communication system 10 will determine if the email message was sent with the notification from the email system... If the email message was not sent... [t]he email message is then retrieved from email system 101-105" (column 3, line 48 to column 4, line 4).

In other words, the so-called "dynamic email retrieval system" merely provides for the notification of a single message at a time, which is somehow delivered to a user. However, Hwang is cited in the Final Action as supplying some portion of

> the executable program code comprising a collating application being executable on the communications device for dynamically retrieving heterogeneous messages stored by the plurality of message applications, said retrieved messages meeting at least one collating criterion, and for displaying an ordered listing of message fragments associated with at least one of said retrieved messages in a single view on the communications device

Yet, even when combined with Gidwani and Schmidt, Jr., Hwang fails to disclose a "collating application", a "collating criterion", or the display of "an ordered listing of message fragments... in a single view on the communications device". None of the cited references disclose these features.

Thus, none of Schmidt, Jr., Gidwani, or Hwang, either alone or in combination, disclose each and every element of the pending independent claims. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). "All words in a claim must be

considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). As can be seen from the above submissions, no *prima facie* case of obviousness has been made out; the cited prior art does not teach or suggest all of the limitations of the pending claims. Since the cited art fails to render any of the independent claims obvious, all the dependent claims are nonobvious as well. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

When a rejection of claims is based upon the combination of elements from various prior art references, the Examiner must satisfy the requirements of such an analysis; evidence and reasoned argument is required to show that there was a basis for combining features from the cited references: *In re Lee*, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). Moreover, the prior art cited must suggest the desirability of the combination, not only its feasibility: *In re Fulton*, 73 USPQ2d 1141, 1145 (Fed. Cir. 2004).

The Final Action, page 3, justifies the modification of Schmidt, Jr. by Gidwani on the basis that "[o]ne would have been motivated to have plurality of messages to provide better operability of the system when user is searching for certain users or profiles". In addition, the purported rationale for modifying Schmidt, Jr. with Hwang and Gidwani is that "it improves the user efficiency with the system by providing real-time updates and message fragments which user can use to decide possible importance of the messages" (Final Action, page 4). However, no reasoned basis for these alleged advantages of "better operability" or "improves the user efficiency" has been provided, nor has there been any basis for drawing the conclusion that these alleged advantages may result. If these motivation was drawn from the Applicant's own disclosure, it is improper: *In re Oetiker*, 24 USPQ2d 1443, 1446 (Fed. Cir. 1992) ("That knowledge [referring to the impetus to combine elements from various references] cannot come from the applicant's invention itself"). Further, no indication has been provided as to how the cited prior art suggests the desirability of these combinations. Accordingly, no basis has been provided for combining the prior art references to form the basis of an obviousness rejection.

*With regard to claims 3 and 12*, the Applicant notes that while Figure 5 of Schmidt, Jr. discloses in Figure 5 a display with an "Address Book" button, neither this nor the cited passage (column 7, lines 15-23) disclose "enabling the user to specify the at least one collating criterion used to

match entries in an address book maintained by the communications device". The cited passage merely describes that the user "may then select an icon... to view only those messages that were addressed to her office" or "to view only those messages that were addressed to her home". There is no statement in this passage that indicates that the user's own "home" or "office" are "entries in an address book".

*With regard to claims 4 and 13*, the same observation as for claims 3 and 12 applies; there is no indication of any "name associated with one entry in the address book".

*With regard to claims 7 and 16*, none of Schmidt, Jr., Gidwani, or Hwang discloses "enabling a user to select between alternative views for presenting the ordered listing of message fragments associated with each of said retrieved messages". While Figures 5 to 8 of Schmidt, Jr. disclose different displays, they do not disclose alternative views for an "ordered listing of message fragments associated with each of said retrieved messages"; none of the views depicts message fragments.

*With regard to claims 8 and 17*, none of Schmidt, Jr., Gidwani, or Hwang discloses "displaying the ordered listing of message fragments associated with each of said retrieved messages comprises the step of displaying the messages in sub-lists under displayed headings, each heading reflecting the communications channel on which the said retrieved messages in the associated sub-list were received by the communications device". While Figures 5 to 8 of Schmidt, Jr. disclose different displays, they do not disclose views in which messages are displayed "in sub-lists under displayed headings", wherein there is an "ordered listing of message fragments associated with at least one of said retrieved messages in a single view", as "said retrieved messages" are heterogeneous messages, as set out in the independent claims. None of the figures discloses heterogenous messages in "sub-lists".

*With regard to claims 9 and 18*, none of Schmidt, Jr., Gidwani, or Hwang discloses "enabling a user to launch the message application associated with one of the communications channels by selecting one of the displayed sub-list headings", inasmuch as none of these references discloses the "sub-list headings", as set out above. Further, the cited passage of Schmidt, Jr. (column 2, lines 30-42) does not disclose that a message application may be launched "by selecting one of the displayed sub-list headings".

Having regard to the above submissions, favorable reconsideration and allowance of this application are respectfully requested.

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